

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Andrew Capon, David K. Friday, and David W. Pike
For: MULTI-STAGE RESPIRATOR FILTER WITH TIM FILTER OPTION
Serial No.: 10/604,497 Examiner: Mital B. Patel
Filed: July 25, 2003 Group Art Unit: 3743
Atty. Docket: 71619-0006 Confirmation No: 1496

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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Signature

Christine M. Judge
(type or print name of person certifying)

Date: February 15, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR ADJOURNMENT OF HEARING

Applicant requests an adjournment of the hearing in the above-identified matter set for 1p.m. on March 9, 2006, due to the unavailability of Applicant's attorney on that date. Applicant's attorney believes that it would not be practical and acceptable to the client for another practitioner in Applicant's attorney's office to attend the hearing.

The reason for the request is that Applicant's attorney has previously scheduled a family vacation for the week of March 9-16, 2006, and the adjournment is requested in order to allow Applicant's attorney to take advantage of the vacation plans as scheduled. Further, at the scheduled time of 1:00 p.m. on March 9, 2006, Applicant will be traveling and unable to attend the hearing by telephone.

The undersigned attorney has been the only attorney in the office who has devoted substantive attention to this application. Applicant's attorney believes that it would not be

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Examiner: Mital B. Patel
Group Art Unit: 3743

acceptable to Avon Property Management, the owner of the above-identified patent application and client, to have someone else in Applicant's attorney's office prepare for and attend the hearing. In any case, it is believed that the preparation for a hearing by another practitioner in the office of applicant's attorney would create a hardship on the client because of the extensive time for preparation for the hearing. This application has been pending for several years and a lot of prosecution has taken place. There are a number of very important documents that are relevant to the appeal and digestion of these documents would, in the opinion of the undersigned attorney, be difficult for another practitioner in the office of Applicant's attorney to adequately prepare for this hearing.

In view of the foregoing, applicant requests that the hearing date of March 9, 2006, at 1:00 p.m. be adjourned and a new hearing date be set. Applicant requests that a decision on this request be faxed to the undersigned attorney at (616) 742-1010.

Respectfully submitted,

ANDREW CAPON ET AL.

Dated: 2-14-06

By: 

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Appeal No: 2006-0605
Appellant: Andrew Capon et al.
Application No: 10/604,497
Hearing Room: A
Hearing Docket: B
Hearing Date: Thursday, March 09, 2006
Hearing Time: 01:00 PM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED () HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/dcom/bpai/docs/contacts/contact_info.htm